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Legal Department

FACSIMILE COVER PAGE

PRIVILEGED AND CONFIDENTIAL COMMUNICATION

TRANSMIT TO: United States Patent and Trademark Office
Examiner - Heitbrink, Jill L.

FROM: Charles R. Ducker, Jr.
2381 Executive Center Drive
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FACSIMILE NUMBER: 571-273-8300

DATE: October 21, 2008

NUMBER OF PAGES (INCLUDING COVER PAGE): 31

RE: Notice of Abandonment for App. No.: 10/801,950
Our Ref. No.: Tilia-2-4957

In re Application of: Hongyu Wu

Application No.: 10/801,950

Group Art Unit: 1791

Filed: March 15, 2004

Examiner: Heitbrink, Jill L.

For: FORMING EVACUATION CHANNELS DURING SINGLE AND MULTI-LAYER PROCESS

Applicant respectfully submits the following:

- 1). Petition to Revive Response (2 pages);
- 2). Copy of Notice of Abandonment (2 pages);
- 3). Copy of Electronic filing Receipt of Revocation Documents (8 pages);
- 4). Petition to Revive Application Unintentionally Abandoned (2 pages);
- 5). Terminal Disclaimer to Obviate Double Patenting Rejection (1 page); and
- 6). Amendment Response (15 pages),

The Commissioner is hereby authorized to charge any fee deficiency or credit any overpayment to Deposit Account 50-2289.

Please confirm receipt of documents.

OCT 21 2008

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Hongyu Wu
Serial No.: 10/801,950
Filed: March 15, 2004
Group Art Unit: 1791
Examiner: Heitbrink, Jill L.
Title: FORMING EVACUATION CHANNELS DURING
SINGLE AND MULTI-LAYER PROCESS

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(B)

Dear Sir:

This is in response to a Notice of Abandonment received in connection with the above-identified patent application. A copy of the Notice of Abandonment which was mailed on June 25, 2008, is attached.

On November 8, 2007, a response to a non-final Official Action mailed August 8, 2007, was timely filed with the USPTO via the electronic filing system. Such response was followed on November 13, 2007 by a submission containing a revocation of all previous Powers of Attorney, a change of correspondence address to that associated with Customer Number 73723, a new Power of Attorney for the names associated with Customer Number 73723, and a Statement Under 37 CFR 3.73(b). Copies of these submissions and their electronic receipts are attached.

A subsequent non-final Official Action, mailed December 12, 2007, was directed to the old correspondence address -- that of a former named legal representative. Absent

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003/031

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PATENT
Petition to Revoke
Tilia-2-4957

receipt of such Official Action, no response was filed. A Notice of Abandonment for failure to respond to an outstanding Official Action was mailed to the same incorrect correspondence address on June 25, 2008. This notice was forwarded to our attention and received in our office on July 8, 2008.

Applicant's failure to timely respond to the December 12, 2008 Official Action was entirely unintentional and was in part driven by a mailing error on the part of the USPTO. This petition respectfully requests revival of the abandoned application.

The Commissioner is hereby authorized to charge the revival fee to Deposit Account No. 50-2289, and also charge any fee deficiency or credit overpayment to said account.

Respectfully submitted,
SUNBEAM PRODUCTS, INC.

10/21/08
Date

By: Charles R. Ducker, Jr.
Charles R. Ducker, Jr.
Reg. No. 46,542
2381 Executive Center Drive
Boca Raton, FL 33431
Tel. No. (561) 912-4843
Fax No. (561) 912-4182

CRD/tc
Attachments



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/801,950	03/15/2004	Hongyu Wu	37469-8001.US01	2929
22918	7590	06/25/2008		
PERKINS COIE LLP P.O. BOX 1208 SEATTLE, WA 98111-1208			EXAMINER HETTRINK, JILL LYNN	
			ART UNIT 1791	PAPER NUMBER
			MAIL DATE 06/25/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Notice of Abandonment

Application No.

10/801,950

Examiner

Jill L. Heitbrink

Applicant(s)

WU, HONGYU

Art Unit

1791

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 12 December 2007.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection. (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

/Jill L. Heitbrink/
Primary Examiner, Art Unit 1791

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

U.S. Patent and Trademark Office
PTOL-1432 (Rev. 04-01)

Notice of Abandonment

Part of Paper No. 20080621

Electronic Acknowledgement Receipt	
EFS ID:	2462214
Application Number:	10801950
International Application Number:	
Confirmation Number:	2929
Title of Invention:	Forming evacuation channels during single and multi-layer extrusion process
First Named Inventor/Applicant Name:	Hongyu Wu
Customer Number:	22918
Filer:	Lawrence J. Shurupoff/Tamica Crearer
Filer Authorized By:	Lawrence J. Shurupoff
Attorney Docket Number:	37469-8001.US01
Receipt Date:	13-NOV-2007
Filing Date:	15-MAR-2004
Time Stamp:	16:53:46
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no				
File Listing:					
Document Number	Document Description	File Name	File Size(Bytes) /Message Digest	Multi Part /.zip	Pages (if appl.)
1		Tilia24957.pdf	163237 022386180d6b37a33a42ed732058d6d0 116c51e330	yes	4

Multipart Description/PDF files in .zip description			
Document Description	Start	End	
Miscellaneous Incoming Letter	1	1	
Power of Attorney	2	3	
Assignee showing of ownership per 37 CFR 3.73(b).	4	4	

Warnings:

Information:

Total Files Size (in bytes):	163237
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This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111
 If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371
 If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office
 If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

Patent Electronic Filing

Page 1 of 2

Acknowledgement ReceiptThe USPTO has received your submission at **16:53:46** Eastern Time on **13-NOV-2007**.

No fees have been paid for this submission. Please remember to pay any required fees on time to prevent abandonment of your application.

eFiled Application Information

EFS ID	2462214
Application Number	10801950
Confirmation Number	2929
Title	Forming evacuation channels during single and multi-layer extrusion process
First Named Inventor	Hongyu Wu
Customer Number or Correspondence Address	22918
Filed By	Lawrence J. Shurupoff/Tamica Crearer
Attorney Docket Number	37469-8001.US01
Filing Date	15-MAR-2004
Receipt Date	13-NOV-2007
Application Type	Utility under 35 USC 111 (a)

Application Details

Submitted Files	Page Count	Document Description	File Size	Warnings
Tilia24957.pdf	4		163237 bytes	◆ PASS
		Document Description	Page Start	Page End
		Miscellaneous Incoming Letter	1	1
		Power of Attorney	2	3
		Assignee showing of ownership per 37 CFR 3.73(b).	4	4

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

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10/21/2008 TUE 14:37 FAX Sunbeam Products, INC.

009/031

Patent Electronic Filing

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New International Application Filed with the USPTO as a Receiving Office

PAGE 9/9 * RCVD AT 10/21/2008 2:08:59 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-4/4 * DNIS:2738300 * CSID: * DURATION (mm-ss):15-56

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